

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

U.S. BANK, NATIONAL ASSOCIATION, in  
its capacity as Trustee, JOSHUA N. TERRY,  
AND ACIS CAPITAL MANAGEMENT,  
L.P.,

Plaintiffs,

v.

THE CHARITABLE DONOR ADVISED  
FUND, L.P., CLO HOLDCO LTD., AND  
NEXPOINT DIVERSIFIED REAL ESTATE  
TRUST,

Defendants.

Case No. 1:21-cv-11059-GHW

**NOTICE OF APPEARANCE**

PLEASE TAKE NOTICE that the following attorney appears as counsel on behalf of  
Counter-Defendant Brigade Capital Management, LP in the above-captioned action:

Alexis Kellert Godfrey  
Latham & Watkins LLP  
1271 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864  
Email: alexis.godfrey@lw.com

Dated: May 18, 2023  
New York, New York

Respectfully Submitted,

**LATHAM & WATKINS LLP**

/s/ Alexis Kellert Godfrey  
Alexis Kellert Godfrey  
1271 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864  
Email: alexis.godfrey@lw.com

*Counsel for Counter-Defendant Brigade  
Capital Management, LP*